

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN DOES A, B, C, D, E, F, G, H,
MARY DOE and MARY ROE, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

GRETCHEN WHITMER, Governor of the
State of Michigan, and COL. JOSEPH
GASPER, Director of the Michigan State
Police, in their official capacities,

Defendants.

No. 2:22-cv-10209

Hon. Mark A. Goldsmith

Mag. J. Curtis Ivy, Jr.

**JOINT MOTION FOR LEAVE
TO EXCEED PAGE AND FOOTNOTE LIMITS**

Through this joint motion, Plaintiffs and Defendants seek leave to file 17-page reply briefs in support of the motion for preliminary injunction and motion to dismiss, respectively, which would be in excess of the 7-page limit set out in Local Rule 7.1(d)(3)(B). Plaintiffs also seek leave, which Defendants do not oppose, to file a brief in response to Defendants' motion to dismiss with footnotes in excess of the 30-line limit set out in the Order Regarding Filings. *See* ECF No. 15, PageID.964. Specifically, Plaintiffs ask the Court to extend the footnote limit for their brief to 46 lines.

In support of their motion, the parties state as follows:

1. This is Plaintiffs' fourth lawsuit in almost ten years against Michigan's Sex Offenders Registration Act (SORA). *See Does #1-5 v. Snyder*, No. 2:12-cv-11194 (E.D. Mich.) (*Does I*); *Roe v. Snyder*, No. 2:16-cv-13353 (E.D. Mich.); *Does #1-6 v. Snyder*, No. 2:16-cv-13137 (E.D. Mich.) (*Does II*). The prior litigation produced several published opinions, including one by the Sixth Circuit, and a substantial factual record. *See* Compl., ECF No. 1, PageID.40–47 (describing the litigation history).

2. The Michigan Legislature, faced with an imminent injunction against the old SORA, passed a new SORA, which took effect on March 24, 2021. *See* 2020 Mich. Pub. Act 295. Plaintiffs then brought a new constitutional challenge to SORA. Plaintiffs also moved for a preliminary injunction, which will determine the rights of an approximately 55,000 member class, on six out of their ten claims, while this litigation is pending. *See* Pls.' Mot. for Prelim. Inj., ECF No. 5.

3. Recognizing the need to understand SORA's lengthy history, the extensive factual record, and the complex legal questions at issue here, this Court granted the parties leave to file 67-page principal briefs on the preliminary injunction motion, and 75-page principal briefs on any motion to dismiss. *See* Order Re Scheduling and Pending Mots., ECF No. 31. The order did not address how many pages the parties would receive for any reply briefs.

4. In order to appropriately address each other's various arguments and provide further explication around the applicable law/facts, the parties hereby request 17 pages for their reply briefs. The parties will be as concise as possible and have cross-referenced other pleadings to save space.

5. Plaintiffs also request 46 lines of footnotes for their response to Defendants' motion to dismiss, and Defendants do not oppose this request. Defendants' motion addresses every single one of Plaintiffs' ten claims, each of which raises significant constitutional issues. Under this Court's standard order, Plaintiffs would normally be allowed up to 30 lines of footnotes for a 25-page response brief. *See* Order Regarding Filings, ECF No. 15, PageID.964; Local Rule 7.1(d)(3)(A). Because this Court has allowed Plaintiffs up to 75 pages for their response, Plaintiffs request a proportionate increase in the number of lines of footnotes. A proportionate increase would allow for up to 90 lines of footnotes, but Plaintiffs need only 46 lines here.

WHEREFORE, Plaintiffs and Defendants respectfully request the entry of an order allowing them to file a reply briefs not to exceed 17 pages in support of their motion for preliminary injunction and motion to dismiss, respectively. Plaintiffs also respectfully request that the order allow them to file a brief that contains not more than 46 lines of footnotes in response to Defendants' motion to dismiss.

Respectfully submitted,

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Dated: July 18, 2022

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**BRIEF IN SUPPORT OF JOINT MOTION
FOR LEAVE TO EXCEED PAGE AND FOOTNOTE LIMITS**

As set forth in the motion, Plaintiffs and Defendants respectfully request that the Court grant them additional pages for the briefs in support of the reply for their motion for preliminary injunction and motion to dismiss, respectively. Plaintiffs also respectfully request additional lines of footnotes for the brief in response to Defendants' motion to dismiss. These issues are highly complex, and the parties believe the Court would benefit from full briefing on those arguments.

Respectfully submitted,

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LOCAL RULE CERTIFICATION

I, Rohit Rajan, certify that this document complies with Local Rule 5.1(a), including: double-spaced (except for quoted material and footnotes); at least one-inch margins on the top, sides, and bottom; consecutive page numbering; and type size of all text and footnotes that is no smaller than 10-1/2 characters per inch (for non-proportional fonts) or 14 points (for proportional fonts). I also certify that it is the appropriate length. Local Rule 7.1(d)(3).

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